

## § 159.4

described in §§159.126 and 159.126a, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

*Type III marine sanitation device* means a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage.

*Uninspected vessel* means any vessel that is not required to be inspected under 46 CFR Chapter I.

*United States* includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

*Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the United States.

[CGD 96-026, 61 FR 33668, June 28, 1996, as amended by CGD 95-028, 62 FR 51194, Sept. 30, 1997]

## § 159.4 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER; and the material must be available to the public. All approved material is available for inspection at the Engineering Division, U.S. Coast Guard Marine Safety Center, 2100 2nd St. SW., Stop 7102, Washington, DC 20593-7102, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:

## 33 CFR Ch. I (7-1-10 Edition)

*American Society for Testing and Materials (ASTM)*

100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

ASTM E 11-95, Standard Specification for Wire Cloth and Sieves for Testing Purposes—159.125

[USCG-1999-5151, 64 FR 67176, Dec. 1, 1999, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001; 69 FR 18803, Apr. 9, 2004; USCG-2010-0351, 75 FR 36286, June 25, 2010]

## § 159.5 Requirements for vessel manufacturers.

No manufacturer may manufacture for sale, sell, offer for sale, or distribute for sale or resale any vessel equipped with installed toilet facilities unless it is equipped with:

(a) An operable Type II or III device that has a label on it under §159.16 or that is certified under §159.12 or §159.12a; or

(b) An operable Type I device that has a label on it under §159.16 or that is certified under §159.12, if the vessel is 19.7 meters (65 feet) or less in length.

[CGD 95-028, 62 FR 51194, Sept. 30, 1997]

## § 159.7 Requirements for vessel operators.

(a) No person may operate any vessel equipped with installed toilet facilities unless it is equipped with:

(1) An operable Type II or III device that has a label on it under §159.16 or that is certified under §159.12 or §159.12a; or

(2) An operable Type I device that has a label on it under §159.16 or that is certified under §159.12, if the vessel is 19.7 meters (65 feet) or less in length.

(b) When operating a vessel on a body of water where the discharge of treated or untreated sewage is prohibited by the Environmental Protection Agency under 40 CFR 140.3 or 140.4, the operator must secure each Type I or Type II device in a manner which prevents discharge of treated or untreated sewage. Acceptable methods of securing the device include—

(1) Closing the seacock and removing the handle;

(2) Padlocking the seacock in the closed position;

(3) Using a non-releasable wire-tie to hold the seacock in the closed position; or